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June 12, 2019

By ECF and email

The Hon. William F. Kuntz
United States District Court Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

***Re: United States v. Ali Saleh,
15 Cr. 517 (S-1) (WFK)
18 Cr. 468 (WFK)***

Dear Judge Kuntz:

Defendant Ali Saleh is presently scheduled to be sentenced on June 24, 2019, in United States v. Saleh, 15 Cr. 517 (S-1) (WFK) (the “material support” case). Mr. Saleh’s sentencing has yet to be scheduled in United States v. Saleh, 18 Cr. 468 (WFK) (the “assault” case). We write to request an adjournment of Mr. Saleh’s June 24, 2019, sentencing hearing in the material support case to provide the defense with additional time to complete our mitigation investigation so that we can present this Court with a thorough and complete understanding of who Mr. Saleh is as a person and how he ended up falling so far astray.

In the event that Your Honor is apt to grant the above application, we also write to respectfully request that the sentencing in Mr. Saleh’s material support case then be consolidated for scheduling purposes with the sentencing in his assault case to save judicial resources, particularly given the fact that each case is a sentencing factor for the other pursuant to 18 U.S.C. § 3553(a) and 18 U.S.C. § 3584(b), and each will likewise be included in the Pre-Sentence Report related to the other. See United States v. Butler, 970 F.2d 1017, 1029 (2d Cir. 1992) (“There is no precise standard that courts use in deciding whether to consolidate cases for sentencing. It is normally no more than a matter of convenience. If one court has jurisdiction to impose sentences for various offenses, it is far more convenient to package the sentencing in one proceeding.”).

I have spoken to AUSA Margaret Lee, counsel for the Government in the material support case, and she has informed me that the Government has no objection to an adjournment and no objection to consolidation for scheduling purposes. I have also spoken to AUSA Philip Selden, counsel for the Government in the assault case, and he has informed me the same.

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Accordingly, Defendant Ali Saleh, by and through counsel, respectfully requests an adjournment of his June 24, 2019, sentencing hearing in his material support case, and then a consolidation of both of his cases for scheduling purposes so that the sentencings on each case take place on the same date and time after his Pre-Sentence Report has been finalized in both cases.

As always, we thank Your Honor for his time and consideration.

Respectfully submitted,

/S/

Michael K. Bachrach

Anthony L. Ricco

Steve Zissou

Attorneys for Defendant Ali Saleh

cc: All parties of record (by ECF and email)